

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #5	CCRB Case #: 201910492	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/05/2019 3:45 PM	Location of Incident: in front of § 87(2)(b)	Precinct: 32	18 Mo. SOL 6/5/2021	EO SOL 1/20/2022	
Date/Time CV Reported Thu, 12/05/2019 6:52 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 12/05/2019 6:52 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Brandon Gembecki	01517	949015	NARCBMN
3. POM Victor Nunez	17632	940520	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki stopped § 87(2)(b)	§ 87(2)(b)
B.POM Victor Nunez	Abuse: Police Officer Victor Nunez stopped § 87(2)(b)	§ 87(2)(b)
C. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(b)
D.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki stopped an individual.	§ 87(2)(b)
E.POM Victor Nunez	Abuse: Police Officer Victor Nunez stopped an individual.	§ 87(2)(b)
F. Officers	Abuse: Officers stopped an individual.	§ 87(2)(b)
G.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki searched the vehicle in which § 87(2)(b) and an individual were occupants.	§ 87(2)(b)
H.POM Victor Nunez	Abuse: Police Officer Victor Nunez searched the vehicle in which was § 87(2)(b) and an individual were occupants.	§ 87(2)(b)
I. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) and an individual were occupants.	§ 87(2)(b)
J. Officers	Abuse: Officers searched § 87(2)(b)	§ 87(2)(b)
K. Officers	Abuse: Officers searched an individual.	§ 87(2)(b)
L.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki refused to provide his name to § 87(2)(b)	§ 87(2)(b)
M.POM Victor Nunez	Abuse: Police Officer Victor Nunez refused to provide his name to § 87(2)(b)	§ 87(2)(b)
N. Officers	Abuse: Officers refused to provide their names to § 87(2)(b)	§ 87(2)(b)
O. Officers	Abuse: Officers seized § 87(2)(b)'s property.	§ 87(2)(b)

Truncation Case Summary

Search IAs: 2

Created by: Conor O'Shea on 12/09/2019

Remarks Performed a DMV search for NY license plate § 87(2)(b), § 87(2)(g)

Created by: Conor O'Shea on 12/12/2019

Remarks Performed a BADS search for arrests close in space and time to this incident. § 87(2)(b), § 87(2)(g)

Contact complainant/victim IAs: 4

Contact: Comp/Victim § 87(2)(b)

Created by: Conor O'Shea on 12/09/2019

Remarks -- Called § 87(2)(b) at § 87(2)(b), § 87(2)(g)

Contact: Comp/Victim § 87(2)(b)

Created by: Conor O'Shea on 12/10/2019

Remarks -- Called § 87(2)(b) at § 87(2)(b) (follow-up to Call #1, confirmed by § 87(2)(b)). § 87(2)(b) answered and stated that he was at work and could not speak at the moment. He said he would call back shortly.

Contact: Comp/Victim § 87(2)(b)

Created by: Conor O'Shea on 12/13/2019

Remarks -- Called § 87(2)(b) at § 87(2)(b) (CALL #2, confirmed by § 87(2)(b) No answer. Left a please-call voicemail message.

Contact: Comp/Victim § 87(2)(b)

Created by: Conor O'Shea on 12/16/2019

Remarks -- Called § 87(2)(b) at § 87(2)(b) (CALL #3, confirmed by § 87(2)(b) answered and stated that he wished to withdraw from this complaint because the sole purpose of filing the complaint in the first place was to get his ID back, and the officers already returned it to him § 87(2)(b), § 87(2)(g)

Letters/Correspondence IAs: 1

Document List:

1st please call to c/v/w letter to Comp/Victim § 87(2)(b) Created 12-13-2019 by Conor O'Shea

Letters/Correspondence IA created by: Conor O'Shea on 12/13/2019

Remarks -- Mailed first please-call letter to § 87(2)(b) at § 87(2)(b) (LETTER #1, confirmed by § 87(2)(b) -- Emailed first please-call letter to § 87(2)(b) at § 87(2)(b) (EMAIL #1, confirmed by § 87(2)(b)

Civilian Interview Scheduled IAs: 0

Civilian Interview Missed IAs: 0

Truncation Report Remarks:

The investigation obtained surveillance footage of the incident location. A request for BWC footage produced negative results.

§ 87(2)(b) stated that he did not wish to participate in this complaint any longer on December 16, 2019, because his sole purpose for filing the complaint—to obtain his ID, which the subject officers allegedly seized—was resolved when they returned it to him. However, § 87(2)(b) disconnected the call before the undersigned could ask him the CCRB’s withdrawal questions. The undersigned immediately called him back but he did not answer, and § 87(2)(b) did not respond to further voicemail messages.

Regarding the other remaining victim, § 87(2)(b) could only provide a first name, § 87(2)(b) and also stated that § 87(2)(b) goes by many aliases. § 87(2)(b) did not know § 87(2)(b)s last name and was subsequently uncooperative to further questioning about his identity. To date, § 87(2)(b) has not contacted the CCRB.

The investigation obtained memo book entries from two subject officers identifiable as being on scene, but they proved unhelpful in identifying § 87(2)(b) or obtaining further information about this incident. Documents from the subject officers’ command was similarly unhelpful in either regard. Neither identified subject officer performed any searches that could help identify § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad No.: #05

Investigator:	<u>Conor Seamus O’Shea</u>	Investigator <u>Conor O’Shea</u>	<u>March 31, 2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	Inv. Manager <u>Daniel Giansante</u>	<u>April 1, 2020</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date